REMARKS

Claims 1, 3-9, 18, 20-23 and 25-28 are pending in the application.

Claims 1, 3-9, 18, 20-23 and 25-28 have been rejected.

Claims 1, 2, 18, and 23 have been amended. No new matter has been added. Support for these claim amendments can be found, at least, in ¶¶ [0068]-[0074] and Figure 2 of the originally-filed Application.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1, 3-9, 18, 20-23 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabber, et al., U.S. Patent Publication No. 2003/0145179 ("Gabber"), in view of Duprey et al., U.S. Patent No. 6,671,705 ("Duprey"). Applicants respectfully traverse this rejection.

Claim 1, as amended, is representative of amended independent Claims 18 and 23, and now recites as follows:

1. A method comprising:
identifying a plurality of secondary nodes
sending an update from a primary node to the plurality of secondary nodes, wherein
the update identifies at least one secondary node of the plurality of secondary nodes to which the update will be sent;
in response to receiving the update from the primary node, causing the at least one secondary node to insert the update in a respective log of updates, wherein
each of the respective log of updates corresponds to a respective copy of the data, and
the inserting the update in the respective log of updates is performed at the secondary node;
in response to inserting the update in the respective log of updates, causing the update to be copied from the respective log of updates to a storage area at the least one secondary node;
sending an acknowledgement from the at least one secondary node to the primary node, wherein
the acknowledgement indicates that the update has been received at the least one secondary node;
determining that all of the plurality of secondary nodes have acknowledged the update; and
in response to the determining, causing each secondary node of the at least one secondary node to clear the update from the respective log of updates by sending a notification to each of the plurality of secondary nodes once all of the plurality of secondary nodes have acknowledged the update, wherein
the clearing is performed in response to receiving the notification.

The Office Action asserts that Gabber and Duprey disclose the limitations of Claim 1. *See* Office Action, p. 2. However, Applicants respectfully submit that Gabber and Duprey, alone or in combination, fail to show, teach, or even suggest the limitations of amended Claim 1.

Applicants respectfully submit that Claim 1 has been amended to provide further clarification of the methodology performed by a fast failover system comprised of a primary node and a plurality of secondary nodes. As amended, Claim 1 discloses that an update is sent from a primary node to at least one of the secondary nodes and discloses the processing by which the at least one of the secondary nodes receives an update, inserts the update in a log of updates, copies the update from a log of updates to a storage area, acknowledges receipt of an update, and clears the update from a log of updates in response to receiving a notification once all the secondary nodes have acknowledged the update.

Applicants respectfully submit that Gabber and Duprey, alone or in combination, fail to show, teach, or even suggest the totality of operations performed in Claim 1. In contrast to the present invention, Gabber simply provides data replication functionalities between a host computer, an interconnecting computer network, and a plurality of storage devices that are separated into host elements and a plurality of storage elements. *See* Gabber, Abstract. In further contrast, Duprey simply provides a remote mirroring system that stores information in a log and uses the log information to resynchronize data following a failure in a master storage unit. *See* Duprey, Abstract. However, Applicants respectfully submit that the combination of Gabber and Duprey, even if the references could be successfully combined, would simply provide for replicating data among storage elements by use of log information for re-synchronizing data. Such a combination, even if somehow successful, would still fail to show, teach, or even suggest the claimed operations performed between a primary node and a secondary node, particularly the operations for sending, receiving, inserting, copying, acknowledging, and clearing of an update from a log of updates. Hence, Gabber and Duprey, alone or in any permissible combination, fail to show, teach, or even suggest the limitations of Claim 1.

For at least these reasons, Applicants respectfully submit that Gabber and Duprey, alone or in combination, fail to show, teach, or even suggest the limitations of independent Claims 1, 18, and 23, and all claims depending therefrom.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

Ana G. Luther

Ana G. Luther
Patent Agent for Applicants
Reg. No. 61,704
Telephone: (512) 439-5094
Facsimile: (512) 439-5099